

OGC HAS REVIEWED.

21 June 1955

MEMORANDUM FOR: Deputy Director (Support)

SUBJECT : Agency Policy Concerning Uniforms

REFERENCES : (1) Memorandum from Comptroller to DD/S,
Dated 22 March 1955, Same Subject
(2) Memorandum from SA/DD/S to OGC,
Dated 1 April 1955, Same Subject

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1. This is in response to your request, stated to us by Mr. [REDACTED] a memorandum of 1 April 1955, that this Office make a presentation on the establishment of Agency policy concerning uniforms. A memorandum of the Comptroller to you, dated 22 March 1955, was transmitted by [REDACTED] memorandum and is the basis of your request. The Comptroller's memorandum, after citing the enactment on 1 September 1954 of the Federal Employees Uniform Allowance Act (Title 4 of P.L. 763, 83rd Cong., 68 Stat. 1105), lists the various practices now in use within the Agency and recommends that our opinion be requested on:

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- (a) the authority of the Agency to require and purchase and issue uniforms; and
 - (b) the legality of present practices being followed by various offices.

2. According to the Comptroller's memorandum the practices now being followed by the various components of the Agency are as follows:

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- (a) The Logistics Office desires certain of its employees to wear uniforms but has no regulation to that effect.
 - (b) The Office of Training purchases uniforms and makes initial issuance to its civilian guard force at [REDACTED] but worn out items must be replaced by the individual.
 - (c) [REDACTED] for reasons of security and sanitation, issues uniforms to guards, maids and mess attendants.
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- [REDACTED]

- (e) The Medical Office, by regulation based on customs prevalent in civilian medical practice, requires the wearing of uniforms by nurses; uniforms are furnished but the nurses must purchase caps, stockings and shoes from their own funds.

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- (g) In no CIA component is a uniform allowance provided.

3. After discussions with the Comptroller's Office (Mr. Butler), we held up on our consideration of the staff study, pending the enactment of an amendment to Title IV which was then under consideration by Congress. The amendment has now been enacted, as P.L. 37, 84th Congress. We have also been advised, in conversations with the Comptroller's Office, that what is desired is our opinion concerning the application of the Federal Employees Uniform Allowance Act, as amended, to this Agency and the course of action which may be or should be taken to avail ourselves of the benefits of the Act; they are not concerned with Agency practices of the past. (In this regard also, the FHUA Act is not mandatory, i.e., eligible agencies who have been furnishing uniforms or paying allowances under other authority may elect to continue under such authority, in which event they must forego the benefits of the FHUA Act. We are advised it is desired that this Agency utilize the Act.)

4. Section 402 of the Federal Employees Uniform Allowance Act, as amended, authorizes appropriations to each agency of the Government "upon a showing of the necessity or desirability thereof, an amount not to exceed \$100.00 multiplied by the number of the employees of such agency who are required by regulation or by law to wear a prescribed uniform in the performance of his or her official duties and who are not being furnished with such uniform". Uniforms are worn by personnel of several units of this Agency, not because of a requirement of law, but in accordance with internal rules of the unit concerned. The House Committee on Post Office and Civil Service, in considering the amendment which has now become P.L. 37, commented on the definition of, or the type of regulations required by the Act (H.R. Rep. No. 438, 84th Cong., p.3):

"During the course of its hearings on this bill (H.R. 3948) it became evident to the committee that the definition of, or the type of 'regulation' required by the act, was not being uniformly interpreted by the agencies concerned. The committee recommends that only such regulations as are issued in writing and bear the approval of the department or agency head be considered as meeting the requirements of the act. The committee does not wish to preclude a delegation of authority for the issuance of regulations, but feels that such delegation to a bureau head or to the commander of an installation would lead itself to personal abuses."

In view of this statement by the Committee concerned, the internal rules of the various offices of the Agency should not be relied on as regulations of the type which would make the Federal Employees Uniform Allowance Act operative for this Agency. A regulation, or regulations, should be approved by the Director to effect this purpose.

5. References are forwarded herewith.

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Office of General Counsel

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